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In re Patent No. 6,302,845 :
Issued: October 16, 2001 : REQUEST FOR INFORMATION
Application No.: 09/272,764 :
Filing Date: March 19, 1999 :
Attorney Docket No. **20208.0002U1** :

This is a request for information in response to the petition under 37 CFR 1.378(e), filed August 22, 2011, to reinstate the above-cited patent.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in the petition under 37 CFR 1.378(b) filed September 28, 2009. No additional fees are due.

The patent issued October 16, 2001. The 3.5 year maintenance fee could have been paid from October 16, 2004, through April 16, 2005, or with a surcharge, as authorized by 37 CFR 1.20(h), during the period from April 17, 2005, to October 16, 2005. Petitioner did not do so. Accordingly, the patent expired at midnight on October 16, 2005.

Petitioner recounts that the attorney who prosecuted the application, Clifford Weber was responsible for tracking and paying the maintenance fees for the subject patent; however, Mr. Weber's employment was terminated in July 1, 2003. Thereafter, petitioner states that the assignee's IP Counsel Group dissolved and, further the assignee's lead attorney's employment was terminated in May of 2004. Petitioner states that there does not appear to have been any provisions made by Mr. Weber, anyone in the IP Counsel Group, or the Office of Technology Transfer and Business Development (OTT) for the tracking of the maintenance fees or the payment of the maintenance fees. The "Affidavit of Lisa Lau" filed August 22, 2011, indicates that she has been an employee of the OTT since October 1, 2001, and that she "was provided with extensive training on both the management of patent due dates and the importance of directing the timely payment of maintenance fees by Executive Director of OTT." Further, Ms. Lau indicates that, "the first maintenance fee for the '845 Patent came due on April 16, 2005; however, OTT was not aware of this due date because of Mr. Weber's failure to notify OTT or outside counsel."

Petitioner is required to address the following points:

- Petitioner has indicated that petitioner is unable to locate Mr. Weber to garner a statement from him relative to his understanding of how the 3.5-year maintenance fee payment was missed. During the period from July 1, 2003 when Mr. Weber was terminated, the IP Counsel Group dissolved, and the assignee's lead attorney resigned in 2004, forward, petitioner is required to explain how any remaining patent matters were transferred to the OTT, if at all. Petitioner should provide this recollection from Ms. Lau's point of view, if she has any knowledge of this at all.
- From petitioner's statements, it appears that the subject patent was the only patent the was allowed to expire notwithstanding the apparent confusion that resulted from Mr. Weber's termination and dissolution of the IP Counsel Group. Petitioner is required to verify this observation.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patent
 Mail Stop Petitions
 Box 1450
 Alexandria, VA 22313-1460

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petition Attorney
Office of Petitions